S.B.CRIMINAL MISC. BAIL APPLICATION NO.4730/2007
(Babu Khan & Ors. vs. State of Rajasthan)

DATE OF ORDER : October 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.G.R.Punia, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.G.R.Bhari, for the complainant.

Learned counsel for the petitioners does not want to press the bail application filed by petitioners No.1 and 2.

The bail application filed by petitioners No.1 Babu Khan and No.2 Mumtaz under section 438 Cr.P.C. is, therefore, dismissed as not pressed.

So far as petitioner No.3 Azad Khan is concerned, it is contended that he is maternal uncle of the deceased and has been residing separately in different colony and was not present at the time of occurrence. From the police case diary, it appears that after the occurrence, deceased made oral statement to some of the witnesses and petitioner No.3 Azad Khan has not been specifically named therein and, therefore, looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to petitioner No.3 Azad Khan.

Accordingly, the bail application filed by petitioner No.3 Azad Khan under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.3 Azad Khan s/o Sher Khan in FIR No.438/2007, Police Station, Nohar, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-